

CONTENT AREA

Leave Without Pay (LWOP) – Qualified Life Event (QLE)

ISSUE/QUESTION

An employee was on and has exhausted Family Medical Leave (FML). Once the FML was exhausted, the employee went on an approved Leave Without Pay (LWOP) and has been on LWOP for two months. The employee is now requesting changes to her benefit coverage. When an employee goes on a LWOP, what is the time frame in which the employee can make benefit coverage changes?

ANSWER

The employee has 31 days from the date she went on LWOP to make any benefit coverage changes for which she is eligible. Because the 31-day eligibility period has expired, the employee may not make any benefit coverage changes at this time.

RATIONAL/EXPLANATION

Qualified Life Events (QLE) entitle an employee to make eligible benefit coverage changes.

Exhausting FML is not a QLE; going on LWOP is a QLE.

AUTHORITY

United States Code Title 26 – Tax Treatment of Cafeteria Plans

ISSUED

June 26, 2003